

X
IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.30784/1997

BETWEEN:

Koosappa Gowda,
S/o Subbaraya Gowda,
Major, R/o Amai House,
Ubaradka-Mithoor Village,
Taluk: Sullia, Dist: D.K. ... Petitioner.

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(By Sri G.Balakrishna Shastry for Petr.)

AND:

1. Asst. Commissioner,
Puttur, Dist: D.K.
2. The Tahsildar,
Sullia, Dist: D.K. ... Respondents.

(By Sri H.P.Singri, HCGP, for Respdts.)

This Writ Petition filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Quash vide Annex.A dt.19-3-97 and etc.

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S.10.98

... 2/-

This Writ Petition coming on for hearing this day, the Court made the following:

O R D E R

Though this petition is posted for preliminary hearing, with the consent of the learned counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.

In this petition, the petitioner has called in question, the correctness of the Order dated 19th August 1997, a copy of which has been produced as Annexure-A. It is the case of the petitioner that the order impugned came to be passed without hearing and giving an opportunity to the petitioner.

Learned Government Pleader is unable to dispute this position. The order impugned also does not indicate that the petitioner was heard and an opportunity was given to him before passing the impugned order. Under these circumstances, the impugned order is liable to be quashed on the short ground that the order impugned came to be passed in disregard of the principles of natural justice. Accordingly, the Order-Annexure-A is hereby quashed. The 1st respondent is directed to reconsider the matter after giving an opportunity to the petitioner. However, it is made clear that the quashing of this order will not affect the

rights of the public if any, on the road stated to be on the land in question. Accordingly, this petition is allowed and disposed of.

Sri N.P.Singri, learned Government Pleader is given four weeks' time to file his memo of appearance.

Sd/- Judge.

bsr(o.s.)

r.by: 21/6/98

c.by: V.L.

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Assistant Registrar
High Court of Karnataka,
Bangalore-560 001

25/6/98
kgpr



